IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15784 of 2004

Between:

P.Kasirao, S/o.Venkata Veeraiah,
R/o.Markapuram, Prakasam Dist.

..... PETITIONER

AND

1 Joint Collector, Prakasam District at Ongole.
2 Revenue Divisional officer, Markapuram, Prakasam Dist.
3 M.R.O., Markapuram (M), Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Madamus declaring the order of the 1st respondent in Rc.CS2/2883/2004, dt.20-8-2004 is illegal, irregular and violative of Art: 14, 19 and 21 of the Constitution of India and A.P. Schedule commodities (Regulation of Distribution by Card System) order 2001 and set aside the same and consequently suspend the operation of order passed by 2nd respondent in Rc. H/1220/2004, dt.3-8-2004 pending disposal of the appeal on the file of 1st respondent in the interests of justice.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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ORDER:

Petitioner is the authorised dealer of the Fair Price Shop No.2 of Markapur Town, Prakasam District. His authorisation has been suspended by the second respondent-Revenue Divisional Officer, Markapur, Prakasam District by order, dated 03.08.2004. Against the said order, he preferred an appeal before the first respondent-Joint Collector, Prakasam District at Ongole. First respondent-Joint Collector, having entertained the appeal, by order, dated 20.08.2004 rejected the application for stay. Questioning the said order, this writ petition is filed.

Heard the learned counsel for the petitioner and learned Government Pleader appearing for respondents.

Learned counsel for the petitioner vehemently contended that the allegations against the petitioner are false and without any basis and at any rate they are trivial in nature and therefore the first respondent ought not to have rejected stay pending the appeal.

A perusal of the impugned order shows that the first respondent-Joint Collector, Prakasam District without referring to any one of the contentions raised by the appellant and particularly without considering the question whether the order of suspension is warranted in the circumstances of the case has mechanically rejected the application for stay.

However, keeping in view that the appeal is against the order of suspension pending enquiry, I am of the view that the appeal itself requires expeditious disposal and no purpose will be served by directing to reconsider the application for stay.

In the circumstances, the order dated 20.08.2004 is set aside and the writ petition is disposed of with a direction to the first respondent-Joint Collector, Prakasam District, Ongole to dispose of the main appeal itself as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

In the meanwhile, there shall be a direction to the respondents to allow the petitioner to distribute the essential commodities for the month of September, 2004.

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02-09-2004

klp

To

1 Joint Collector, Prakasam District at Ongole.
2 Revenue Divisional officer, Markapuram, Prakasam Dist.
3 M.R.O., Markapuram (M), Prakasam Dist.

4 Two C.Cs to G.P. for Civil Supplies, High Court buildings, Hyderabad.(OUT).

5 Two C.D. copies.